United Nations S/PV.5299

Security Council

Sixtieth year

Provisional

5299th meeting

Monday, 7 November 2005, 10 a.m.

New York

President:	Mr. Denisov	(Russian Federation)
Members:	Algeria	Mr. Benmehidi
	Argentina	Mr. García Moritán
	Benin	Mr. Zinsou
	Brazil	Mr. Sardenberg
	China	Mr. Wang Guangya
	Denmark	Mr. Faaborg-Andersen
	France	Mr. De Rivière
	Greece	Mr. Papadopoulou
	Japan	Mr. Kitaoka
	Philippines	Mr. Mercado
	Romania	Mr. Dumitru
	United Kingdom of Great Britain and Northern Ireland	Mr. Llewellyn
	United Republic of Tanzania	Mr. Manongi
	United States of America	Mrs. Patterson

Agenda

Election of five members of the International Court of Justice (S/2005/446, S/2005/447 and Corr.1 and S/2005/448 and Corr.1).

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The meeting was called to order at 10.15 a.m.

Expression of thanks to the retiring President

The President (*spoke in Russian*): As this is the first meeting of the Security Council for the month of November, I should like to take this opportunity to pay tribute, on behalf of the Council, to Mr. Mihnea Ioan Motoc, Permanent Representative of Romania to the United Nations, for his service as President of the Security Council for the month of October. He is currently in Africa, but we all recall the excellent work done by him personally and the entire Romanian delegation. I am sure I speak for all members of the Council in expressing deep appreciation to Ambassador Motoc for the great diplomatic skill with which he conducted the Council's business last month.

Adoption of the agenda

The agenda was adopted.

Election of five members of the International Court of Justice (S/2005/446, S/2005/447 and Corr.1 and S/2005/448 and Corr.1)

The President (*spoke in Russian*): The Security Council will now proceed to the election of five members of the International Court of Justice, in accordance with Article 13 of the Statute of the International Court of Justice, to fill the five seats which will become vacant on 5 February 2006 on the expiry of the terms of office of the following Judges: Mr. Vladlen S. Vereshchetin (Russian Federation), Mr. Pieter H. Kooijmans (Netherlands), Mr. Francisco Rezek (Brazil), Mr. Thomas Buergenthal (United States of America) and Mr. Nabil Elaraby (Egypt).

The list of candidates nominated by national groups is contained in documents S/2005/447, S/2005/447/Add.1 and S/2005/447/Corr.1.

I should like to inform the members of the Council that I have received a letter addressed to me by the Legal Counsel, dated 2 November 2005, in which he informs me, on behalf of the Secretary-General, that after the established deadline for the filing of nominations, namely, 30 June 2005, several national groups submitted nominations to the Secretariat. I should also like to draw members' attention to the fact that all such additional nominations relate to candidates already nominated by other national groups, whose names therefore already appear in document S/2005/447 and S/2005/447/Corr.1. The Legal Counsel recommended that, in accordance with established practice, I inform Council members orally on the day of the election about the decisions of the national groups I have just mentioned. I am also informed that the Legal Counsel made a similar recommendation to the President of the General Assembly.

The nominations made by the national groups to which I have referred are as follows: for Mr. Mohamed Bennouna, Argentina and Jordan; for Mr. Thomas Buergenthal, Germany, New Zealand, Peru and Romania; for Mr. Julio D. González Campos, Argentina; for Mr. Kenneth Keith, Germany, Luxembourg and Papua New Guinea; for Mr. Bernardo Sepúlveda Amor, Argentina, the Netherlands, Poland and Romania; and for Mr. Leonid Skotnikov, Germany and Romania.

The Security Council has before it a note by the Secretary-General dated 3 November 2005, contained in document S/2005/447/Add.1. Therein, the Secretary-General notes that, by a letter dated 3 November 2005, the representative of Niger informed the Legal Counsel that the national group of Niger had decided to withdraw its nomination of Mr. Seidou Adamou Mazou for election to the International Court of Justice. Since Mr. Mazou was nominated only by the national group of Niger, his name does not appear on the ballot papers.

The Security Council also has before it a memorandum by the Secretary-General contained in document S/2005/446, describing the present composition of the Court and setting out the procedure to be followed in the conduct of the election.

I should like to remind the Council that, under Article 10, paragraph 1, of the Statute of the International Court of Justice,

> "Those candidates who obtain an absolute majority of votes in the General Assembly and in the Security Council shall be considered as elected."

The required majority in the Security Council is eight votes.

If, in the first ballot, the number of candidates obtaining an absolute majority is less than five, then, pursuant to rule 61 of the provisional rules of procedure of the Security Council, the Council will proceed to a second ballot on the remaining vacancies.

Balloting will then continue in the same manner until five candidates have obtained the required majority of votes.

If, on the other hand, more than five candidates obtain the required majority, according to past practice and as set forth in paragraph 13 of the Secretary-General's memorandum, a new vote will be held on all the candidates. That rule will also apply to any subsequent ballots if the number of candidates obtaining the absolute majority is greater than the number of vacancies remaining.

The voting will be held by secret ballot. When we proceed to the vote, members of the Council will receive a ballot paper containing the names of all the candidates. In that connection, I should like to offer one slight clarification.

Members have before them document S/2005/447, which contains a note by the Secretary-General entitled "List of candidates nominated by national groups". I wish to point out to members of the Council that two candidates share the same surname, namely, Mr. Bernardo Sepúlveda Amor, Mexico's candidate, and Mr. Abdelfattah Amor, Tunisia's candidate. In order to avoid any confusion, Mexico's candidate has requested that he appear as Mr. Bernardo Sepúlveda in the ballot to be distributed to members. No such request was made by Tunisia's candidate; his name will therefore appear as Mr. Abdelfattah Amor. I hope that serves to clarify matters.

No withdrawal will be accepted once ballot papers have been distributed. However, it would be possible to withdraw between ballots. Members of the Council will be requested to place an "X" in the boxes next to the names of the candidates for whom they wish to vote. Only those candidates whose names appear on the ballot paper are eligible for election.

I should like to remind members of paragraph 10 of the Secretary-General's memorandum (S/2005/446), which specifies that "Each elector may vote for not more than five candidates on the first ballot". Any ballot paper containing votes for more than five names will be considered invalid. When five candidates have obtained the required majority of votes, I shall communicate the result of the election to the President of the General Assembly, and I shall request the Council to remain in session, pending the receipt from the President of the General Assembly of the result of the voting in the Assembly.

The Council will now proceed to draw lots to select two delegations to serve as tellers. As one of the candidates for election the Court is of Russian nationality, I shall defer to the representative of Romania, which held the presidency during the month of October, to draw lots.

* * *

The President (*spoke in Russian*): The names of the delegations of Algeria and the United Republic of Tanzania have been drawn. I request them each to appoint one of their members to serve as teller.

At the invitation of the President, Mr. Hadj Ali (Algeria) and Mrs. Taj (United Republic of Tanzania) acted as tellers.

The President (*spoke in Russian*): May I take it that the Council is now ready to proceed with the election of five members of the International Court of Justice?

It is so decided.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

* * *

The President (*spoke in Russian*): I take it that all the members of the Council have now voted, and I ask the Conference Officer to collect the ballot papers.

* * *

The President (*spoke in Russian*): All the ballot papers have been collected. I should like to remind the Council that, as we agreed during our consultations, the ballots will not be counted until it has been verified that the ballot papers in the General Assembly have been collected. However, I have now been informed that the ballot papers have been collected in the General Assembly.

The counting of the ballots in the Security Council will now begin. The tellers will now count the ballots. As agreed in our consultations, there will be two independent countings of the ballots, one by each teller.

We shall wait for the General Assembly to complete its work. The Council will remain in session.

* * *

The President (*spoke in Russian*): The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Abdelfattah Amor	2
Mr. Mohamed Bennouna	13
Mr. Thomas Buergenthal	14
Mr. Julio D. González Campos	9
Mr. Kenneth Keith	9
Mr. Bernardo Sepúlveda Amor	14
Mr. Leonid Skotnikov	14

As more than five candidates — six candidates — received the required majority, the Council will now hold another vote on all the candidates, as described in paragraph 13 of the Secretary-General's memorandum contained in document S/2005/446.

Accordingly, we shall now hold a vote. I should like to remind Council members that each elector can vote for no more than five candidates, and only for the candidates listed on the ballot. Any ballot paper with more than five names will be considered invalid.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the boxes next to the names of the candidates for whom they wish to vote.

* * *

The President (*spoke in Russian*): I take it that all the members of the Council have now voted, and I ask the Conference Officer to collect the ballot papers.

* * *

The President (*spoke in Russian*): All the ballot papers have been collected. The tellers will now count the ballots. As agreed in our consultations, there will be two independent countings of the ballots, one by each teller.

* * *

The President (*spoke in Russian*): The result of the second ballot is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Abdelfattah Amor	2
Mr. Mohamed Bennouna	12
Mr. Thomas Buergenthal	14
Mr. Julio D. González Campos	9
Mr. Kenneth Keith	8
Mr. Bernardo Sepúlveda Amor	13
Mr. Leonid Skotnikov	13

The outcome is similar to that of the first ballot: six of the seven candidates have received the required majority. Accordingly, we shall have to hold a third ballot.

I propose that we wait a few minutes while the outcome of the second ballot in the General Assembly is announced. After we learn the result, we shall take a decision on how to proceed.

* * *

The President (*spoke in Russian*): I wish to inform members that, as in the Council, more than five candidates — specifically, six of the seven candidates — received the required majority in the second ballot in the General Assembly. Accordingly, there will be a third ballot in both the Security Council and the General Assembly.

I understand that the President of the General Assembly has proposed that the Assembly suspend its meeting until 3 p.m., when it will reconvene to hold the third ballot.

I propose that, with the consent of the Council, we proceed in the same manner and reconvene at 3 p.m. sharp to hold a third ballot. Unless I hear any objection, I shall take it that the Council agrees with that proposal.

It is so decided.

I therefore suspend the meeting until 3 p.m.

The meeting was suspended at 1.10 p.m. and resumed at 3.15 p.m.

The President (*spoke in Russian*): I have received a report from the Legal Counsel that, in separate letters dated 7 November 2005, the representatives of Tunisia and Sweden informed the

Legal Counsel that their respective national groups had separately decided to withdraw the candidacy of Mr. Abdelfattah Amor for election to the International Court of Justice. Since Mr. Amor's candidacy was nominated only by the national groups of Tunisia and Sweden, his name is not included on the third ballot.

The Council will now proceed with a third ballot for the election of five members of the International Court of Justice.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

* * *

The President (*spoke in Russian*): I take it that all the members of the Council have now marked their ballots. I ask the Conference Officer to collect the ballot papers.

* * *

The President (*spoke in Russian*): All the ballot papers have been collected. It is my understanding that the collection of ballot papers in the General Assembly is also being completed.

The tellers will now count the ballots. There will be two independent countings of the ballots, one by each teller.

We will now await the results of the voting in the General Assembly.

* * *

The President (*spoke in Russian*): The result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Mohamed Bennouna	12
Mr. Thomas Buergenthal	14
Mr. Julio D. González Campos	9
Mr. Kenneth Keith	10
Mr. Bernardo Sepúlveda Amor	13
Mr. Leonid Skotnikov	13

Since more than five candidates have once again obtained the required majority of votes, the Council will now proceed to a new vote on all the candidates, in accordance with the procedure set forth in paragraph 13 of the Secretary-General's memorandum. It is my understanding that the General Assembly will also conduct a fourth round of voting.

I would like to remind members of the Council that each member may vote for no more than five candidates and that only those candidates whose names appear on the ballot papers are eligible. Any ballot paper containing votes for more than five candidates will be considered invalid.

The Council will now proceed with a fourth ballot for the election of five members of the International Court of Justice.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

* * *

The President (*spoke in Russian*): I take it that all the members of the Council have now marked their ballots. I ask the Conference Officer to collect the ballot papers.

* * *

The President (*spoke in Russian*): All the ballot papers in the Council have been collected. It is my understanding that they have also been collected in the General Assembly.

The tellers will now count the ballots. The Council will remain in session pending the results of the counting in the General Assembly and in the Council.

* * *

The President (*spoke in Russian*): Before I announce the result of the fourth ballot in the Security Council, I would like to inform members that I have received a letter from the President of the General Assembly, Mr. Eliasson, stating that five candidates have received an absolute majority of the votes in the General Assembly.

As for the Security Council's fourth ballot, the result of the voting is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Mohamed Bennouna	11
Mr. Thomas Buergenthal	14
Mr. Julio D. González Campos	10
Mr. Kenneth Keith	10
Mr. Bernardo Sepúlveda Amor	12
Mr. Leonid Skotnikov	13

As more than five candidates received the required majority, the Council will now hold a new vote on all the candidates, as described in paragraph 13 of the Secretary-General's memorandum contained in document S/2005/446.

Accordingly, we shall now hold a fifth ballot. As I have said, the General Assembly has approved five candidates and will thus not vote again. Only the Security Council will vote.

I should like to remind Council members that each elector may vote for no more than five candidates, and only for the candidates whose names appear on the ballot papers. Any ballot paper with more than five names will be considered invalid.

I take it that the Council is ready to proceed with the election of five members of the International Court of Justice.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the boxes next to the names of the candidates for whom they wish to vote.

* * *

The President (*spoke in Russian*): I take it that all the members of the Council have now voted, and I ask the Conference Officer to collect the ballot papers.

* * *

The President (*spoke in Russian*): The counting of the ballots in the Security Council will now begin. The tellers will now count the ballots.

The Council will remain in session while the votes are counted.

* * *

The President (*spoke in Russian*): The result of the fifth ballot is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Mohamed Bennouna	11
Mr. Thomas Buergenthal	13
Mr. Julio D. González Campos	8
Mr. Kenneth Keith	11
Mr. Bernardo Sepúlveda Amor	12
Mr. Leonid Skotnikov	13

Since more than five candidates have received an absolute majority, the Council will now proceed to a new vote on all the candidates, as described in paragraph 13 of the memorandum by the Secretary-General (S/2005/446).

We shall accordingly proceed to a sixth ballot. I should like again to remind Council members that each elector may vote for no more than five candidates and that only the candidates listed on the ballot papers are eligible. Any ballot paper with more than five names will be considered invalid.

I request the Conference Officer to distribute the ballot papers.

Members of the Council should place an "X" in the boxes next to the names of the five candidates for whom they wish to vote.

* * *

The President (*spoke in Russian*): I take it that all the members of the Council have now marked their ballots. I ask the Conference Officer to collect the ballot papers.

* * *

The President (*spoke in Russian*): All the ballot papers have been collected.

The tellers will now count the ballots. The Council will remain in session while the votes are counted.

* * *

The President: (*spoke in Russian*) The result of the sixth ballot is as follows:

Number of ballot papers:	15
Number of invalid ballots:	0
Number of valid ballots:	15
Required majority:	8
Number of votes obtained:	
Mr. Mohamed Bennouna	12
Mr. Thomas Buergenthal	13
Mr. Julio D. González Campos	7
Mr. Kenneth Keith	11
Mr. Bernardo Sepúlveda Amor	12
Mr. Leonid Skotnikov	13

Accordingly, five candidates have obtained the required majority of votes in the Security Council: Mr. Mohamed Bennouna, Mr. Thomas Buergenthal, Mr. Kenneth Keith, Mr. Bernardo Sepúlveda Amor and Mr. Leonid Skotnikov.

I have communicated the result of the voting to the President of the General Assembly in writing.

The President of the General Assembly has confirmed receipt of my letter and has sent me another letter, which I will read out to members once the President of the General Assembly begins to make an announcement to the General Assembly. In keeping with the usual procedure, those things must be done simultaneously.

I therefore request the Council to remain in session while we wait for a communication from the President of the General Assembly, which we will receive very soon, following which I will read out the letter of the President of the General Assembly.

I wish to inform the Council that I have just received from the President of the General Assembly the following letter:

> "I am writing to inform you that at the 44th plenary meeting of the General Assembly, which was held today for the purpose of electing five members of the International Court of Justice, the following five candidates received the required majority of votes in the General Assembly: Mr. Mohamed Bennouna, Mr. Thomas Buergenthal, Mr. Kenneth Keith, Mr. Bernardo Sepúlveda Amor and Mr. Leonid Skotnikov.
>
> "I note from your letter dated 7 November 2005 that at the 5299th meeting of the Security Council the following five candidates received the required majority of votes in the Council: Mr. Mohamed Bennouna, Mr. Thomas Buergenthal, Mr. Kenneth Keith, Mr. Bernardo Sepúlveda Amor and Mr. Leonid Skotnikov.
>
> "I have informed the General Assembly that the same five candidates obtained the required majority both in the General Assembly and in the Security Council and therefore are elected members of the International Court of Justice."

Thus the required majority of votes both in the Security Council and the General Assembly has been received by the same five candidates that I have just named.

Since both the Security Council and the General Assembly have agreed on the same candidates, the jurists Mr. Mohamed Bennouna, Mr. Thomas Buergenthal, Mr. Kenneth Keith, Mr. Bernardo Sepúlveda Amor and Mr. Leonid Skotnikov have been elected members of the International Court of Justice for a term of office of nine years, beginning on 6 February 2006. I should like to congratulate them and wish them every success in the high office to which they have been elected.

I also wish to thank, on the Council's behalf, the tellers for their assistance in the conduct of the elections."

The Security Council has thus concluded its consideration of the item on its agenda."

The meeting rose at 6.05 p.m.